

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LANCER INSURANCE COMPANY,

Plaintiff,

VS.

REBECCA BONSELL, ESTATE OF WAYNE
BONSELL, ESTATE OF JASON PESSONI,
LINDA RANDALL, ESTATE OF JONATHON
RANDALL, CENTRAL BIBLE COLLEGE,
BONNIE JENKINS, GARY BRUEGMAN,
DARRELL ARNESON, ASHLEY BEERS,
RANDY BEVARD, RANDALL CARTWRIGHT,
JONATHAN CHANG, BRANDON CRANOR,
ASHLEY DAY, DANETTE DILLON, JORDAN
DRAKE, JASON FISHER, ALFRED HOLMES,
DEJA JENKINS, BARRY KINSER, EMMANUEL
KOKE, JILL RALLS, LANDON REIMER,
AMANDA RIVERA, CHRIS SARNOWSKI, GABE
SMITH, ALONDA STONE, JEREMY WHALEY,
JESCA WILKES, MICHAEL FILIPPONE, JAMES
ELLIS WILSON ARTS INTERNATIONAL,
DARRELL AMESON, SHOW ME COACHES, INC.
d/b/a SHOW ME COACHES, ROBERT SMITH,
BARRY THOMAS, JORDAN STURGEON,
ECONOMY PAVING CORPORATION, C & C
READY-MIX CORPORATION, and THE STATE
OF NEW YORK,

Civil Action No. 3:05-CV-898

TJM/DEP

Defendants.

Hon. David E. Peebles
United States Magistrate Judge

SECOND ORDER OF PARTIAL SETTLEMENT

The attorneys for all of the parties who have appeared in this action, excluding those parties who are in default or who have heretofore been dismissed from this action on consent

based upon prior Stipulations of Partial Settlement, have entered into a Stipulation, to be "So Ordered" by the Court, settling the conscious pain and suffering and wrongful death claims herein of the Estate of Jason Pessoni, and consenting to the issuance by the Magistrate Judge of an Order releasing funds from the Registry of the Court to pay such settlement, pursuant to 28U.S.C. §2042. The Court has read and approved the Stipulation of the parties, and, therefore, **IT IS ORDERED THAT:**

1. The Clerk of the Court shall be and hereby is directed to pay from the funds deposited in this case with the Registry Account of the Court the sum of Six Hundred Thousand and 00/100 Dollars (\$600,000.00) payable to Barasch, McGarry, Salzman & Penson, as attorneys for the Estate of Jason Pessoni, for deposit in an interest bearing account for the benefit of the distributees of said estate.

2. The money to be paid pursuant to this Order is a fixed amount and only a portion of the funds deposited with the Registry Account of the Court; so the party receiving payment at this time shall not be required to comply with Local Rule 67.2 which would otherwise require a completed Internal Revenue Service Form W-9 to be provided with the Order seeking withdrawal of the funds.

Dated: July 10, 2006



Hon. David E. Peebles
U.S. Magistrate Judge